

KAMEMOTO ET AL. -- 09/863,515
Attorney Docket No.: 008312-0280271

- Amendment -

REMARKS

Reconsideration and the timely allowance of the pending claims, in view of the following remarks, are respectfully requested.

In the Office Action dated October 6, 2005, the Examiner rejected claims 18-19, under 35 U.S.C. §102(b), as allegedly being anticipated by Sarfati '516 (WO 99/22516); rejected claim 20, under 35 U.S.C. §102(e), as allegedly being anticipated by Allport '299 (U.S. Patent No. 6,882,299); rejected claims 1-3, 5, and 12, under 35 U.S.C. §103(a), as allegedly being unpatentable over Nobakht '223 (U.S. Patent No. 6,745,223) in view of Sarfati '516; rejected claims 4, 11, and 13-17, under 35 U.S.C. §103(a), as allegedly being unpatentable over Nobakht '223 in view of Sarfati '516 and Allport '299; and rejected claims 6-10, under 35 U.S.C. §103(a), as allegedly being unpatentable over Sarfati '516.

By this Amendment, Applicants have amended claims 1-3, 5, 11-13, 16-17, and 20 to provide a clearer presentation of the claimed subject matter and have cancelled claims 4, 6-10, 14-15, and 18-19, without prejudice or disclaimer. Applicants submit that no new matter has been introduced. As such, claims 1-3, 5, 11-13, 16-17, and 20 are currently presented for examination, of which claims 1, 5, 11-13, 16-17, and 20 are independent. Moreover, by virtue of the cancellations, the rejections of claims 4, 6-10, 14-15, and 18-19 have been rendered moot.

Applicants respectfully traverse the prior art rejections, under 35 U.S.C. §102(b), §102(e), §103(a) for the reasons presented below

I. Prior Art Rejections Under 35 U.S.C. §102(b), (e), & §103(a).

As indicated above, amended independent claim 1 now positively recites that digital broadcast receiver includes interface means that is configured to obtain program selecting data contained in the received digital broadcast data and to record the program

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selecting data into the memory of the memory card plugged into the card slot. These features are amply supported by the embodiments described in the Specification.

Unlike the present invention, there is nothing in the references of record that teach or suggest the combination of features recited in claim 1. In particular, the Nobakht '223 reference discloses that the channel table data downloaded to the set top box STP 131 is stored in SDRAM 218 within the STP 131. (See, Nobakht '223, col. 14, lines 1-10). As acknowledged by the Examiner, Nobakht '223 clearly fails to teach or suggest that the data is recorded onto the memory card. However, the Examiner's reliance on Sarfati '516 as allegedly meeting this limitation is misplaced. That is, Sarfati '516 merely discloses the use of a smartcard having a pre-stored application code and remains silent regarding the capability of recording data onto a memory card. (See, Sarfati '516, page 8, lines 9-10; page 14, lines 25-27).

As such, there is nothing in the Sarfati '516 reference that remotely teaches interface means configured to, *inter alia*, record the program selecting data into the memory of the memory card plugged into the card slot, as required by claim 1. Applicants further submit that based on the specific configurations taught by both Nobakht '223 and Sarfati '516, there appears to be no motivation or suggestion to combine these two references in the first place. To do so, is clearly impermissible hindsight.

Applicants further submit that, as best understood, none of the remaining references cure the deficiencies identified above. Thus, for at least the reasons presented, Applicants submit that none of these references, whether taken alone or in reasonable combination, teach the claimed combination of elements recited by amended claim 1. Thus, claim 1 is patentable over the references. And, because claims 2-3 depend from claim 1, claims 2-3 are also patentable by virtue of dependency as well as for their additional recitations. Accordingly, Applicants request the immediate withdrawal of the prior art rejections of claims 1-3.

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Moreover, because independent claim 5 recites features that are similar to the patentable features discussed above regarding claim 1, claim 5 is also patentable for the same reasons presented above. Accordingly, Applicants request the immediate withdrawal of the prior art rejections of claim 5.

Applicants further submit that claims 11-13, 16-17, and 20 recites features that are similar to the patentable features discussed above regarding claims 1 and 5, and are, therefore, equally patentable. However, claims 11-13, 16-17, and 20 also recite the use of a remote controller that remotely operates the control means and is equipped with operating members, a display unit, and a card slot and that, when the memory card is plugged into the card slot, the remote controller reproduces the program selecting data recorded on the memory, displays the program selecting data on the display unit, and sends program select information to the digital broadcast receiver selected based on the contents displayed on the display unit.

Applicants submit that there is nothing in the references of record that remotely teach such features. As such, claims 11-13, 16-17, and 20 are patentable for these additional reasons and Applicants request the immediate withdrawal of the prior art rejections of claims 11-13, 16-17, and 20.

II. Conclusion.

All matters having been addressed and in view of the foregoing, Applicants respectfully request the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Applicants' Counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. Please charge any fees associated with the submission of this paper to Deposit Account Number 033975.


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The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

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